

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DENNIS SONNENSCHEIN,)
vs.)
Plaintiff,)
vs.) Case No. 04-cv-0493-MJR
LINDA SONNENSCHEIN and)
UNITED STATES OF AMERICA,)
Defendants.)

MEMORANDUM and ORDER

REAGAN, District Judge:

In July 2004, Dennis Sonnenschein filed this suit seeking, inter alia, a declaratory judgment against and accounting from his former wife, Linda Sonnenschein. Dennis claimed Linda was taking actions which interfered with Dennis' ability to satisfy his monetary obligations resulting from a judgment entered in a related criminal matter (Case No. 03-cr-30122). Dennis asked the Court to enjoin Linda from disposing of any of the couple's marital property and to order her to provide an accounting of all property she already had disposed of and the proceeds therefrom.

The Court entered a default judgment against Linda in January 2005 and, three months later, held Linda in civil contempt. Additional motions, hearings, and Orders followed. Ultimately, the parties reached a settlement, the terms of which were included in a Consent Order adopted by the Court in July 2005 (Doc. 48). The case then was closed, although the Court retained jurisdiction to enforce the terms of the settlement.

One issue arose after entry of the Consent Order – Dennis moved to compel Linda to execute certain documents. That motion was set for hearing, and the parties appeared, October 7, 2005. Because Dennis had filed an *amended* motion to compel, however, Linda's counsel requested

(and the Court granted) a motion to continue the hearing. Dennis' amended motion to compel (Doc. 63) then was set for hearing on November 3, 2005. A new pleading prevents this Court from proceeding with the November 3rd hearing, as planned.

On October 19, 2005, Linda Sonnenschein's counsel filed a "Suggestion of Bankruptcy" herein, advising the Court that – on October 10, 2005 – Linda sought protection in the United States Bankruptcy Court for the District of Colorado. (The Court notes that the suggestion, Doc. 65, bears an incorrect caption, *e.g.*, it lists the USA as Plaintiff rather than as a co-Defendant in this civil proceeding instituted by Dennis Sonnenschein.)

Under **11 U.S.C. § 362(a)**, the filing of a bankruptcy petition triggers an *automatic* stay of the commencement or continuation of any judicial proceeding against a debtor. Accordingly, the Court **DECLARES** this case **STAYED** and **CANCELS** the November 3, 2005 hearing on the amended motion to compel.

The stay shall remain in effect until this Court enters an Order lifting the stay. The Court **DIRECTS** Linda's counsel to file a **status report** on or by the following dates, advising the Court of the status of the bankruptcy proceeding and whether the stay can be lifted, so the Court can proceed with the hearing on the amended motion to compel: **November 28, 2005, January 23, 2006, March 20, 2006, and May 30, 2006.**

IT IS SO ORDERED.

DATED this 19th day of October, 2005.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge